



DEPARTMENT OF SPECIAL SERVICES

Mr. John Lovell (3WP24)
Pretreatment Coordinator
US EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

February 1, 2006

RE: Response to Comments Regarding 2002 Pretreatment Program Audit Report
Industrial Pretreatment Program
NPDES Permit No. DE 0050547 (MOT)

Dear Mr. Lovell:

Thank for your January 2006 letter addressing the County's 2005 response to your 2003 report regarding the 2002 audit of the NCC MOT pretreatment program. This response is organized in the same order as your comments. The items in *italics* are EPA's comments followed by the County's response in **bold**.

Requirements

1. *Revise permit wording to require permittees to make record keeping more complete.*

Please provide a copy of a permit under the new format.

Copy of permit 04-109 written under the correct permit format is enclosed.

Should you have any questions or require further information on the above, please contact David Bowie at 302-395-5728.

Sincerely,

Michael D. Harris
Michael D. Harris

Environmental Compliance Manager

Encl.

cc: J. Husband / Tracy Surles, NCC
Matt Miller, City of Wilmington, encl.
David Bowie, File, encl., NCC

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rec'd 3/16/04
JH

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Mr. John Lovell (3WP24)
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US EPA, Region III
1650 Arch Street
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RE: Response to Pretreatment Program Audit Report
Industrial Pretreatment Program
NPDES Permit No. DE 0050547 (MOT)

Dear Mr. Lovell:

Thank for your letter with the 2002 pretreatment program audit report attached. NCC has reviewed the audit report and has prepared the enclosed response to the comments. This response is organized in the same order as Section X in the audit report. The items in *italics* are EPA's comments followed by the County's response in **bold**.

Section A. Legal authority *requires* New Castle County to:

Revise the New Castle County ordinance to specifically prohibit granting of variances from federal pretreatment standards and requirements.

The Draft New Castle County pretreatment ordinance is in the process of being revised and will include the appropriate language specifically prohibiting granting of variances. The regulation upgrade is being performed in conjunction with the incorporation of the revised City of Wilmington and NCC Local Limits and will be submitted for your review.

Revise the County ordinance in accordance with the legal authority review in attachment 1.

The Draft New Castle County pretreatment ordinance is in the process of being revised as required in conjunction with the incorporation of the revised City of Wilmington and NCC Local Limits and will be submitted for your review.

Submit copies of adopted pretreatment ordinances for Odessa and Townsend, or submit a statement indicating that only residential wastewater is received from these communities.

The MOT plant receives only residential wastewater from the Odessa and Townsend portions of the system.

Section B. Application of Standards requires New Castle County to:

Adopt the revised local limits that were accepted on June 7, 2002 as required by the County's NPDES permit.

The Draft New Castle County pretreatment ordinance is in the process of being revised as required. NCC has submitted the regulations to the EPA for review and will incorporate the comments received regarding the draft regulations into the revised Regulations. The NCC Local Limits, as well as the City of Wilmington local limits, which are currently under review by the EPA, will be incorporated into the final draft of the NCC regulations.

Apply the more stringent of the categorical standards and the local limits in the permit.

The County no longer has categorical industries permitted as part of the pretreatment program in the MOT service area. If, in the future, a facility is classified as a categorical industry, the more stringent limitation of the categorical and local limits will be applied. If the limit is categorical the permitted load limit will be established using the categorical concentration and the individual process flow.

Document any variances granted to the users, including the reason and justification for the variance and the total loading allocated to all industrial users relative to the maximum allowable industrial loading calculated in the most recently approved local limits submission.

Documentation of the variance application and approval process will occur during the permit application or permit modification process and will be accomplished by filing appropriate correspondence and other paperwork in the industrial user file. The County will use a variance tracking sheet, list the MAHC and MAHL levels on the sheet and will track the influent levels and the facility contributions to ensure that variances given will not cause the MAHC/MAHL to be exceeded.

Apply the OCPSF categorical standards as mass-based limits in the permits. Mass limits for cyanide, lead, and zinc must be based only on the flows of the respective cyanide-bearing and metals-bearing waste streams.

The County no longer has categorical industries permitted as part of the pretreatment program in the MOT service area. If, in the future, a facility is classified as a categorical industry, the more stringent limitation of the categorical and local limits will be applied. If the applied limit is categorical, the permitted load limit will be established by using the categorical concentration and the individual constituent-bearing process flow.

Reevaluate the categorical standards assigned to any users subject to production-based standard

The County no longer has categorical industries permitted as part of the pretreatment program in the MOT service area. If, in the future, a facility is classified as a categorical industry, categorical standards will be assigned based on the production based standards were applicable.

Section B. Application of Standards recommends New Castle County to:

Reevaluate the local limits because the flow from the Town of Middletown is no longer part of the system.

The County is obligated, through a sewer agreement with the Town of Middletown, to reserve the flow currently not being discharged by the Town to the MOT system for use in the future. Under the terms of the agreement the flow from the Town of Middletown could be directed to the MOT system at any time. Because of the short notice and the possibility of industrial contributions being present, the recently approved local limits will be used.

Continue to monitor the influent, effluent, and sludge to determine the impact of the elimination of flow from Middletown, and whether the influent exceedances that have occurred over the last several years are still continuing.

The County will continue to sample the influent and effluent constituents listed in the local limits and the organic priority pollutants required as part of the facility permit as part of the annual reporting requirements. The data will be screened for abnormalities and possible causes determined where applicable.

Evaluate whether there are any sources of cyanide in the system and whether there continues to be an exceedance of the effluent goal for cyanide.

As noted in your letter dated February 22, 2002 regarding the 2001 PTR, the New Castle County Environmental Laboratory had been using the ion selective electrode method from *Standard Methods 18th Edition*, and not the EPA method 335.3. Since switching to the EPA method 335.3 during the second quarter of 2002, cyanide has not been detected in any samples. Also, Cyanide was not proposed as a local limit in our most recent and approved local limit submission. The County only controls the level of cyanide entering the MOT sewer system through the categorical limitations set forth in the 40 CFR

Evaluate whether lower detection levels on the influent and effluent monitoring are possible to better assess the pollutant levels.

The current detection levels are low enough to determine pollutant levels for the MAHC.

Section C. Control Mechanism **requires** New Castle County to:

Revise the permits in accordance with the permit review in attachment 4. Revisions using the words "must" or "required" are required revisions.

Attachment 4 has been reviewed and these changes are being incorporated as the permits are reviewed for renewal and modification. The County expects the remaining permits to be completely updated on a continual basis over the next five years.

Permits must be issued with an effective length of five years or less.

A permit is issued with the expiration date preceding the issue date. In this case the dates were inadvertently reversed. This permit is no longer in place and has been revoked since the facility flow now enters the Town of Middletown treatment system.

Section C. Control Mechanism **recommends** New Castle County to:

Revise the permits in accordance with the permit review in attachment 4. Revisions using the words "should" or "recommended" are recommended revisions.

Where applicable, the "should" or "recommended" revisions are being incorporated into permits as they are renewed, modified and revised.

Document all decisions made during the permitting process. This would include information such as user categorization and new source determination, use of the combined waste stream formula (including when it is not needed), calculation of production-based or mass-based standards, comparison of local limits and categorical standards, and selection of monitoring frequency. Guidance on documentation of permit decisions is included in attachment 5.

The County has reviewed the enclosed guidelines and will implement as appropriate.

Reevaluate the self-monitoring frequencies in the user permits and require more frequent monitoring if the user has had effluent violations.

Where necessary the County may add constituent limits and increase frequency of testing for particular requirements during the permit renewal process and also may increase testing requirements as part of compliance proceedings.

Include all local limits in the permit, including those pollutants for which no monitoring is determined to be necessary.

All permits refer to the local limits listed in the Industrial Pretreatment regulations, as well as the EPA required limits under the 40 CFR.

Section D. Compliance Monitoring requires the New Castle County to:

All samples taken by the County must be analyzed in the County's lab or an independent lab, and cannot be given to the user's lab for analysis.

All samples taken by the County are analyzed by the County or are taken to an independent lab for analysis. The permittees are responsible for sampling and providing analysis results for all permit parameters.

Determine the flow during sampling for all users subject to mass- based limits.

A procedure has been set in place to request flow data from the permit holder for the date of sampling. A letter is send to permittees after sampling has been completed. The Permittees respond and report their date specific flow data to NCC for use in the mass based limit compliance review.

Sampling documentation must include the name of the sampler, the specific sampling location, and the analytical methods used.

Sample sheets for each tested parameter are maintained in the lab and include, the name of the sampler, the sampling location, and the analytical methods used.

Ensure that users resample and report within 30 days of discovery of a violation.

Permittees typically resample as part of the follow up procedure required in the facility permit and in the regulations, and where applicable, are required to perform additional sampling as part of a compliance schedule.

Document any violation notification from users.

Notation of verbal notification will be made in the file. Permittees are required to notify the County within 24 hrs of becoming aware of the violation and follow up with written notification within five days, explaining the violation and the steps the permittee has and will take to correct the violation.

Ensure that users monitor pH in accordance with the requirements of their permits.

The County checks the pH compliance of each facility during the semi annual SMR reviews and during the annual inspections and also determines sampling type and applicability during the permit application process.

Ensure that sampling and analysis is repeated if the detection levels reported by the lab are not low enough to determine compliance.

Permittees will be required to perform additional testing if the detection limits do not allow compliance determination. Currently, as part of the SMR submittal, each facility is required to provide the County with the detection limits used for the particular permit requirement. If this detection limit is not low enough or the particular method is not sensitive enough, the permittee is required to have the results reviewed and the method refined or changed to an another approved method that will provide the required tolerance.

Verify and document production records during inspections for users subject to production-based standards during the inspections

Facilities that have production based standard are required to report the productions levels as part of the semi annual report and these figures will be reviewed during the annual inspection.

Evaluate the implementation and effectiveness of user spill/slug control plans during inspections.

During each facility inspection the current spill/slug plan is reviewed to determine if it is applicable to the current operations on site. If a facility has have been required to implement a plan for the site, the plan is reviewed for applicability.

When a slug control plan is required, it must include a description of the user's discharge practices, a description of the stored chemicals, and procedures to notify the County in the event of a slug discharge. A sample slug control plan checklist is included in attachment 6.

During each facility inspection the current spill/slug plan is reviewed to determine if it is applicable to the current operations on site.

Review the signatory authorities for the users self-monitoring reports and require appropriate signatures. Signatory requirements from the General Pretreatment Regulations are included in attachment 7.

Typically the County requires the authorized signatory listed on the permit application be the responsible signatory for the semi annual SMR submittal. Signature requirements will be reviewed during the annual facility inspections.

Section D. Compliance Monitoring [recommends](#) the New Castle County to:

Where the County uses grab samples, collect multiple grab samples to obtain a more representative sample.

When necessary the County will take more grab samples to provide more representative samples of permittee's discharges.

Require batch dischargers to notify the County prior to discharge so that it can conduct unannounced sampling if it chooses to.

NCC will perform unannounced sampling at batch dischargers even if it involves making multiple trips to the collection site.

Section E. Enforcement [requires](#) the New Castle County to:
Enforce in accordance with the County's approved ERP.

The County will continue to identify and document all violations in accordance with the approved ERP.

Reevaluate SNC for the calendar years 2001 and 2002, including all monitoring results and reporting requirements.

The SMR's and NCC sampling data for the two permitted facilities in the MOT service were again reviewed for compliance. A possible excursion was an elevated cyanide sample taken by the county staff at MacDermid on April 9, 2002. But, since this result was analyzed prior to the CN procedure change, it was not used in the compliance review.

If the reevaluation shows SNC violations publish list of users in SNC.

N/A

Develop a mechanism for identifying all violations of discharge limits and reporting requirements.

The current mechanism in place is to review SMR's and NCC lab data from permittees in detail. TRC is calculated for SNC and any other violations are determined according to the permit, the County regulations and ERP.

Section E. Enforcement [recommends](#) New Castle County to:

Obtain a computer system which will help with compliance evaluations to ensure identification of all violations.

The County will continue to perform a manual review of each SMR, log and track compliance data into our data base and where a violation may exist, perform the required calculations as part of the compliance review.

Section F. Data Management and Public Participation [recommends](#) the New Castle County to:

Subscribe to EPA's listserve for notification of Federal Register publications as they occur. Directions for subscribing are included in attachment 8.

The County has subscribed to the list serve mailings received by the EPA and the manual review that the County performs of the pretreatment regulations on the EPA web site.

Should you have any questions or require further information on the above, please contact David Bowie at 302-395-5728.

Sincerely,

Michael D. Harris

Michael D. Harris
Environmental Compliance Manager (Acting)

Encl.

cc: J. Husband / Tracy Surles, NCC
Sid Sharma, City of Wilmington, encl.
David Bowie, File, encl., NCC

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